

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SUMMONS IN A CIVIL ACTION

ROGER R. CRANE, JR.,

Plaintiff

CASE NUMBER

-against-

POETIC PRODUCTS LIMITED,

Defendant

JUDGE JONES

To:

Poetic Products Limited
58-60 Berners Street
London, England W1T 3JS

YOU ARE HEREBY SUMMONED and required to file with the Clerk of the Court and serve upon Plaintiff's attorney:

Frank H. Penski, Esq.
NIXON PEABODY LLP
437 Madison Avenue
New York, New York 10022

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK



BY DEPUTY CLERK

AUG 08 2007

DATE

Plaintiff
A. P. Brickell
Affidavit: First
Exhibits: "APB 1" - "APB 3"
Date: 20 August 2007

Claim No: 07 CIV 7063

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

BETWEEN:

ROGER R. CRANE, JR

Plaintiff

- and -

POETIC PRODUCTS LIMITED

Defendant

**AFFIDAVIT OF
ADAM PAUL BRICKELL**

I, ADAM PAUL BRICKELL of DLA Piper UK LLP, 3 Noble Street, London, EC2V 7EE, United Kingdom, state on oath:

1. I am an England and Wales qualified solicitor in the law firm DLA Piper UK LLP, and I act on behalf of the Plaintiff in the UK. I make this affidavit in relation to the service by me on the Defendant of a complaint filed on 8 August 2007 by the Plaintiff's lawyers in New York, Nixon Peabody LLP.
2. There is now shown to me marked **Exhibit "APB 1"** copies of the Plaintiff's complaint, the summons, the Individual Practices of Judge Jones and Judge Maas and the 3rd Amended Instructions for Filing an Electronic Case or Appeal (the "**Documents**"). I sent the Documents by way of service to the Defendant's registered office, which is at 58-60 Berners Street, London, W1T 3JS, UK, by first class post at 15.25 hours on Friday 10 August 2007.

3. There is now shown to me marked **Exhibit "APB 2"** an extract from Part 6 of the UK Civil Procedure Rules (the "**CPR**") which states at Rules 6.2 and 6.5 (6) that service in this manner is deemed proper service under the CPR. It is also the manner in which we would ordinarily serve a claim form, being the English equivalent of a complaint, in the UK.
4. Pursuant to CPR Rule 6.7(1), these copies of the Documents are deemed to be served the second day after posting, i.e. by Sunday, 12 August 2007.
5. In order to obtain proof that the Defendant had received the Documents, in addition to sending the Documents by first class post, I also sent them by Royal Mail Special Delivery (delivery guaranteed on the next working day, requiring a signature and also an acceptable method of service under the CPR) on Monday 13 August 2007. There is now shown to me marked **Exhibit "APB 3"** the Royal Mail Special Delivery electronic proof of delivery which proves that the Documents were delivered and signed for at the Defendant's registered office at 10.56 hours on Tuesday 14 August 2007. Pursuant to CPR Rule 6.7(1), these copies of the Documents are deemed to be served the second day after posting, i.e. by Wednesday, 15 August 2007.

I believe the contents of this affidavit to be true to the best of my knowledge and belief.

SWORN by Adam Paul Brickell

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This 20th day of August 2007

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Before me: JESSICA CLARKE

)

A Solicitor/Commissioner for Oaths

at

)

)

Osborne Clarke

One London Wall

EC2Y 5EB

Plaintiff

A. P. Brickell

Affidavit: First

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**IN THE UNITED STATES DISTRICT
COURT**

**SOUTHERN DISTRICT OF NEW
YORK**

BETWEEN:

ROGER R. CRANE, JR

Plaintiff

- and -

POETIC PRODUCTS LIMITED

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**AFFIDAVIT OF ADAM PAUL
BRICKELL**

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